

## **REMARKS**

### **Status of the Claims**

Claim 1-7, 9, 10, 12, 13, and 17-19 (Currently Amended)

Claims 6-20 (Previously Presented)

As a result of the foregoing Amendment, the following claims remain pending in the application: 1-20.

### **Objections to the Specification**

The Examiner has objected to the specification for failing to provide a brief description of the drawings. Applicant reviewed a copy of the specification that was submitted to the Patent Office and it appears to include a brief description of the drawings. However, Applicant has included in this response proposed amendments to the specification to include a brief description of the drawings. Applicant respectfully submits that the specification as amended overcomes the Examiner's objections.

The Examiner has further objected to the title of the application. Applicant has amended the title of the application to indicate clearly the invention relates to a pre-year end tax refund system and method.

### **Claim Objections Under 37 C.F.R. 1.75**

The Examiner has objected to claims 1 and 6-8 as being a substantial duplicate of claim 2 and 9-11. Applicant respectfully submits that claim 1 contains an additional element that is not present in claim 2. Although claims 1 and 2 have elements in common, the additional element in claim 1 changes the scope of claim 1 so that it is

different than the scope of claim 2. The claims which depend from claims 1 and 2 therefore, are different in scope. Because the claims are directed to different inventions, they are not substantial duplicates. Applicant respectfully requests that the Examiner withdraw the objections.

#### **Claim Rejections Under 35 U.S.C. §101**

The Examiner has rejected claims 1-20 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Specifically, the Examiner has stated that the system claims as presented do not claim a technological basis in the body of the claim. Applicant has amended the claims to indicate that a computer is used to receive data and estimate tax refund amounts. In view of Applicant's amended claims, Applicant respectfully traverses the rejections.

#### **Claim Rejections Under 35 U.S.C. §103(a)**

The Examiner has rejected claims 1, 2, and 4 under 35 U.S.C. § 103(a) as being unpatentable over Longfield (U.S. Pat. 5,193,057) in view of Bern (U.S. Pat. 5,138,549). The Examiner has further rejected claims 3, 4, 14, and 16-20 under 35 U.S.C. § 103(a) as being unpatentable over Longfield (U.S. Pat. 5,193,057) in view of Miller (U.S. Pat. 6,202,052) and further in view of Bern (U.S. Pat. 5,138,549).

It is the Examiner's position that Longfield teaches a system for providing a loan to a taxpayer comprising historical refund data, year to date income information, year to date expense information, a processor adapted to process data, and a loan provided to the taxpayer prior to the end of the tax year. It is the Examiner's position that Longfield

fails to teach a computer for processing the historical tax data, year-to-date income data, and year-to-date expense data to determine an estimated tax refund amount. The Examiner relies on the Bern reference to teach processing of historical tax data, year-to-date income data, and year-to-date expense data to determine an estimated tax refund amount. The Examiner further states that it would be obvious to one of ordinary skill in the art at the time of the invention to modify Longfield because such a modification would allow Longfield to have a processing system for tax deposits and accounts of a taxpayer that uses historical data.

Applicant has amended the claims to indicate that historical income tax refund data is considered in estimating a tax refund prior to the end of the current tax year. Applicant respectfully submits that contrary to the Examiner's assertion, Longfield does not teach historical income tax refund data, year-to-date income information, or year-to-date expense information and therefore, cannot be combined with the Bern reference to support the present rejections. As Applicant has argued previously, Longfield is directed only to preparation and filing of a tax return using complete data for the current tax year to determine an anticipated refund amount. Income and expense information up to a date prior to the end of the current tax year is not relevant to the Longfield invention because it prepares and files a tax return for the applicable tax year as part of the refund anticipation loan process. As with the incomplete income and expense information, the historical income tax refund data is irrelevant to the Longfield system for preparing and filing a tax return for the current tax year as part of the refund anticipation loan process. The data used in the present invention cannot be used for the primary purpose of the Longfield reference which is to prepare and file a tax return for the

current tax. The present invention uses different data (e.g., income tax refund data from a prior year) and data which are incomplete for the purpose of preparing a tax return (e.g., year-to-date income and expense data). Longfield simply does not teach or suggest any use for income and expense information that relates to a date prior to the end of the current tax year. Furthermore, Longfield does not teach or suggest using a historical income tax refund amount for any purpose.

Applicant further respectfully submits that contrary to the Examiner's assertion, Longfield does not teach or even suggest providing a loan prior to the end of a tax year. Longfield is directed to a refund anticipation loan that is provided to a taxpayer as a result of the preparation and filing of a tax return for the current tax year. The tax return cannot be prepared and filed until a taxpayer has all relevant data for the tax year. Therefore, the taxpayer must wait until the end of the tax year to submit his or her tax data for preparation and filing of a tax return. **Because the loan is obtained in conjunction with the preparation and filing a tax return for the current tax year when the taxpayer must have all tax data for completion of the tax return, the loan is not, and in fact, cannot be provided prior to the end of a tax year.** Applicant respectfully submits that Longfield fails to teach or even suggest important aspects of the present invention that are asserted by the Examiner to be disclosed in the reference and therefore, it cannot support the present rejections, and when combined with other references, does not support the present rejections.

The Examiner has rejected claims 5-13 under 35 U.S.C. § 103(a) as being unpatentable over Bern (U.S. 5,138,549) in view of Longfield (U.S. 5,193,057). It is the Examiner's position Bern teaches a method for providing a loan to a taxpayer prior to

the end of the current tax year and that the method comprises a tax refund amount for at least one tax year prior to the current tax year. Applicant respectfully submits that contrary to the Examiner's assertion, Bern is completely unrelated to income tax refunds and therefore, does not teach or even suggest an income tax refund amount for at least one tax year prior to the current tax year.

Bern teaches automated recording of tax deposits (employment, corporate, and excise tax payments) as they are made through an automated attendant connected to a processing center. Col. 2, ll. 52-62. The purpose of the invention is to eliminate manual steps that are necessary to make tax deposits which companies must make to comply with governmental regulations. Col. 2, ll. 16-21. The system tracks the amounts of the deposits and the dates when the deposits are made to ensure compliance with governmental regulations. Applicant respectfully submits that the teachings of Bern as they relate to recording dates on which a company makes tax deposits and alerting the company when deposits are due are not in any way relevant to the field of the present invention and that contrary to the Examiner's assertion, Bern does not teach or even suggest an income tax refund amount for at least one tax year prior to the current tax year. Applicant respectfully submit that the Bern reference does not contain the teaching suggested by the Examiner, is completely unrelated to income tax return data for individuals, and cannot be combined with the Longfield reference to support the present rejections.

The Examiner further relies on the Longfield reference to teach the remaining elements of the claim. For reasons cited above, Applicant respectfully submits that the Longfield reference does not relate in any way to processing of income tax return data

prior to the end of a current tax year. Therefore, it cannot be combined with the Bern reference to support the present rejections.

Applicant respectfully submits that none of the references cited by the Examiner alone or in combination teach or suggest granting of loans to taxpayers prior to the end of the current tax year based on year-to-date information and prior income tax refunds, and therefore, the claims are allowable as written.

Respectfully submitted,

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